THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 3884 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to the order in Complaint No. 431/2004/B2 dated 8.9.2005 and quash the same by expunging the remarks made against the petitioner without notice to him.

Heard the learned counsel for the parties and perused the material available on record.

The case of the petitioner is that though there is no wrong on his part, the Upa Lokayukta has made several adverse remarks against him in Complaint No. 431/2004/B2 without giving any opportunity of hearing to him and that the said remarks are without any basis.

Though the learned counsel for the respondent submitted that no opportunity need be given at the stage of preliminary enquiry, having perused the material available on record and having regard to the peculiar facts and circumstances of this case, we are of the opinion that such remarks which would adversely affect the petitioner ought not to have been made without giving opportunity to the petitioner. The material available on record does not disclose as to any opportunity of being heard was given to the petitioner and therefore the order impugned in the writ petition violates the principles of natural justice. Having regard to the facts and circumstances, the impugned order against the petitioner is liable

to be set aside and it is accordingly set aside.

The writ petition is accordingly allowed. No costs.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 23-07-2007.

MVB.